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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/745,937	12/21/2000	Scott H. Wilson	28006.12	2392
27683	7590	06/28/2004	EXAMINER	
HAYNES AND BOONE, LLP 901 MAIN STREET, SUITE 3100 DALLAS, TX 75202			ZHOU, TING	
			ART UNIT	PAPER NUMBER

2173

DATE MAILED: 06/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/745,937

Applicant(s)

WILSON ET AL.

Examiner

Ting Zhou

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 14-21 is/are rejected.
- 7) ☒ Claim(s) 13 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: The intended meaning of the sentence "Similarly, the CM module 38 initiates a second portion of an advertising campaign to be directed towards a second selected portion to be contacted which." on lines 13-15 of page 14 is unclear. For examination purposes, the examiner assumes that the applicant intended the sentence to be -- Similarly, the CM module 38 initiates a second portion of an advertising campaign to be directed towards a second selected portion to be contacted with --.

Appropriate correction is required.

Allowable Subject Matter

2. Claim 13 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The limitation of "the first, second, third and fourth command interfaces all form part of a first level icon, and further comprising a second level icon, the selection of which drills down to the first level icon", when taken as a whole appears to be allowable.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it

pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 2-9 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 2 refers to the limitation of "converting said notification icon into said user interface upon user selection of the notification icon". However, the specification does not adequately describe converting the icon into the user interface with the plurality of command interfaces upon user selection of the icon. The only mentioning of the step of converting is on lines 11-14 of page 23, where the notification icon "122" changes appearance and is converted, by the resident application, to user interface "122". However, the converting described here does not require any user selection or input, whereas the limitation of claim 2 describes converting the icon upon user selection of the icon. Therefore, it is unclear what the meaning of the limitation "converting said notification icon into said user interface upon user selection of the notification icon" is. Claims 3-9 depend upon claim 2 and are consequently rejected as well.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 and 10-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Habraken, Joseph in Sams Teach Yourself Microsoft Outlook 98 in 10 min, 1998.

Referring to claim 1, Habraken teaches a method comprising generating a user interface having plural command interfaces (Microsoft Outlook is an interface that comprises numerous commands that allow interaction with the user, such as the plurality of received data files, or emails, and the toolbar buttons) (Figure 6.1), and issuing an instruction to the resident application by selecting one of the plural command interfaces (interacting with the interface by double clicking for example, one of the received emails) ("Reading Mail" under Lesson 6 on page 44), wherein selection of a first one of the plural command interfaces transfers the data file to a foreground space of the computer system and causes the resident application to open the received data file (for example, selection of a new received email opens the message) ("Reading Mail" under Lesson 6 on page 44 and Figure 6.2), and selection of a second one of the plural command interfaces deletes the received data file without opening the data file or transferring the data file to the foreground space (for example, the user can select a new received mail and send it to the trash can without opening it by selecting the delete option) ("Deleting Mail" under Lesson 7 on page 51).

Referring to claim 10, Habraken teaches a computer implemented user interface comprising a first command interface, the execution of which transfers the media file to a foreground space of the computer systems and opens the media file (Microsoft Outlook can select a received message with an attachment of any type, such as a media file like a PowerPoint presentation, and open the message and subsequently open the attached media file) ("Attaching a

File” under Lesson 11 on page 93, “Saving an Attachment” under Lesson 6 on pages 46-47 and Figure 11.2) and a second command interface, the execution of which deletes the media file without opening the media file or transferring the media file to the foreground space (the user can also select to delete the received message and therefore, deleting the attached media file without opening the file) (“Deleting Mail” under Lesson 7 on page 51).

Referring to claim 11, Habraken teaches a third command interface, the execution of which delays opening of the media file for a selected time period (the user can save the attached media file to delay opening of the file for a selected time period until the user is ready to open the file at a later time) (“Attaching a File” under Lesson 11 on page 93 and “Saving an Attachment” under Lesson 6 on pages 46-47).

Referring to claim 12, Habraken teaches a fourth command interface, the execution of which establishes a link with an address associated with an originator of the media file (the user can reply to the sender of the received mail by selecting the “reply” button on the toolbar, which opens the reply message window with the sender of the original file, and send the reply message) (“Answering Mail” under Lesson 6 on page 48 and Figure 6.5).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 14-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Habraken, Joseph in Sams Teach Yourself Microsoft Outlook 98 in 10 min, 1998, and Henrick et al. U.S. Patent 6,055,510.

Referring to claim 14, Habraken teaches a computer implemented user interface comprising a first selectable command interface, the selection of which causes an application residing on the computer system to initiate a first operation on the media file (Microsoft Outlook allows the users to select a received message with an attachment of any type, such as a media file like a PowerPoint presentation, and open the message and subsequently open the attached media file) (Habraken: "Attaching a File" under Lesson 11 on page 93, "Saving an Attachment" under Lesson 6 on pages 46-47 and Figure 11.2), a second selectable command interface, the selection of which causes the resident application to initiate a second operation on the media file (the user can select to delete a received message and therefore, deleting the attached media file without opening the file) (Habraken: "Deleting Mail" under Lesson 7 on page 51), and a notification application coupled to the first and second command interfaces, the notification application transmitting a notification to the remote application upon selection of either the first selectable command interface or the second selectable command interface (users that sent the message with the media file can set certain options such as a read receipt so that for example, when the user selects to open the sent message, a notification, or read receipt can be sent to the sender of the original message) (Habraken: "Voting and Tracking Options" and "Delivery Options" under Lesson 10 on page 88). However, Habraken fails to explicitly teach the remote application constructing an evaluation of an advertising campaign being at least partially conducted by

transmitting the media file to the computer system. Henrick et al. teach a user interface for sending and receiving email messages (Henrick et al.: column 1, lines 33-46) similar to that of Habraken. In addition, Henrick et al. further teach the remote application constructing an evaluation of an advertising campaign being at least partially conducted by transmitting the media file to the computer system, the evaluation constructed using notifications issued by the notification application in response to selection of either the first or second selectable command interfaces (when the user selects the hyperlink to the web page being advertised, the user is brought to the advertiser's webpage and a remote application, such as the ISP or network server, generates an evaluation, or report of an advertisement sent to the user based upon user responses to the email message) (Henrick et al.: column 1, lines 59-65 and column 3, lines 13-44). It would have been obvious to one of ordinary skill in the art, having the teachings of Habraken and Henrick et al. before him at the time the invention was made, to modify the user interface for sending and receiving email messages of Habraken to include the evaluation of the messages sent, as taught by Henrick et al. One would have been motivated to make such a combination in order to develop a method for operating a computer network that enables merchandise and service providers to market their products to network users without invading the privacy of the users and to provide a more efficient and effective method of targeted marketing of individual users on the Internet.

Referring to claim 15, Habraken teaches selection of the first command interface opens the media file and causes the notification application to issue a notification of an opening of the transmitted media file (Microsoft Outlook can select a received message with an attachment of any type, such as a media file, and open the message and subsequently open the attached media

file) ("Attaching a File" under Lesson 11 on page 93, "Saving an Attachment" under Lesson 6 on pages 46-47 and Figure 11.2), and selection of the second command interface deletes the media file and causes the notification application to issue a notification of a deletion of the transmitted media file prior to opening thereof (the user can also select to delete the received message and therefore, deleting the attached media file without opening the file; the senders of the message can also set up their delivery options to have notifications sent to them when certain events occur) ("Deleting Mail" under Lesson 7 on page 51 and "Voting and Tracking Options" and "Delivery Options" under Lesson 10 on page 88).

Referring to claim 16, Habraken teaches selection of the first command interface causes the resident application to transfer the media file to a foreground space of the computer system before opening thereof (Microsoft Outlook can select a received message with an attachment of any type, such as a media file, and open the message and subsequently open the attached media file) ("Attaching a File" under Lesson 11 on page 93, "Saving an Attachment" under Lesson 6 on pages 46-47 and Figure 11.2), and selection of the second command interface causes the resident application to delete the media file without transfer to the foreground space (the user can also select to delete the received message and therefore, deleting the attached media file without opening the file) ("Deleting Mail" under Lesson 7 on page 51).

Referring to claim 17, Habraken teaches a third selectable command interface, the selection of which causes the resident application to delay transfer of the media file to the foreground space and opening of the media file for a selected time period and causes the notification application to issue a notification of a delay in opening the media file, and the remote application constructing the evaluation of the media file using the notifications issued

upon selection of the third command interface (upon the user selecting to save the attached media file, the email server is notified of the user's intent to save the file, allowing the user to delay opening of the file for a selected time period until the user is ready to open the file at a later time) ("Attaching a File" under Lesson 11 on page 93 and "Saving an Attachment" under Lesson 6 on pages 46-47).

Referring to claim 18, Habraken teaches a fourth command interface, the selection of which causes the resident application to establish a link with an address associated with an originator of the media file, the remote application constructing the evaluation of the media file using information received during interchanges conducted after establishment of the link (upon the user selecting to send a reply message to a received email, the email server is notified of the user's intent to the communicate with the sender of the original message, allowing Outlook to open the reply message window with the sender of the original file and send the reply message; furthermore, if the originator of the file requests to receive a notification when his message has been read, then the user establishes a link with the address of the originator when the read receipt is sent to the originator) ("Answering Mail" under Lesson 6 on page 48 and Figure 6.5 and "Voting and Tracking Options" and "Delivery Options" under Lesson 10 on page 88).

6. Claims 19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oran et al. U.S. Patent 5,617,526 and Habraken, Joseph in Sams Teach Yourself Microsoft Outlook 98 in 10 min, 1998.

Referring to claim 19, Oran et al. teach a computer implemented user interface comprising means for generating an icon in a foreground space of the computer system in

response to receipt of the media file by the compute system in the background space thereof (displaying an email icon on the taskbar in response to the arrival of a new message) (Oran et al.: Figure 6) and means for generating at least one command interface in response to an operator of the computer system selecting the icon (for example, similar to the selection of the printer icon generating the printer manager window in Figure 5, selection of the email icon generates an interface for reading the arrived mail) (Oran et al.: column 4, lines 20-50 and column 5, lines 26-43). However, Oran et al. fail to explicitly teach means for initiating execution, in the background space of the computer system, of a first operation on the media file by selecting a first one of the at least one command interface. Habraken teaches a command interface for reading emails (Habraken: Figure 6.1) similar to that of Oran et al. In addition, Habraken further teaches means for initiating execution, in the background space of the computer system, of a first operation on the media file by selecting a first one of the at least one command interface (for example, when the user double clicks on a received message, the operation of opening the message is performed) (Habraken: "Reading Mail" under Lesson 6 on page 44 and Figure 6.2). It would have been obvious to one of ordinary skill in the art, having the teachings of Oran et al. and Habraken et al. before him at the time the invention was made, to modify the email notification icon of Oran et al. to include the execution of commands on the interface of the selected icon, as taught by Habraken. One would have been motivated to make such a combination in order to allow users to manage the large quantities of information received by the system.

Referring to claim 21, Oran et al. fail to explicitly teach a delete operation. Habraken teaches a command interface for reading emails (Habraken: Figure 6.1) similar to that of Oran et

al. In addition, Habraken further teaches the first operation initiated by selection of the first command interface is a delete operation (the user can select to delete a received message by selecting the delete function) (Habraken: "Deleting Mail" under Lesson 7 on page 51). It would have been obvious to one of ordinary skill in the art, having the teachings of Oran et al. and Habraken before him at the time the invention was made, to modify the email notification icon of Oran et al. to include the execution of commands on the interface of the selected icon, as taught by Habraken. One would have been motivated to make such a combination in order to allow users to manage the large quantities of information received by the system.

7. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oran et al. U.S. Patent 5,617,526 and Habraken, Joseph in Sams Teach Yourself Microsoft Outlook 98 in 10 min, 1998, as applied to claim 19 above, and Henrick et al.: U.S. Patent 6,055,510.

Referring to claim 20, Oran et al. and Habraken teach all of the limitations as applied to claim 19 above. Furthermore, Habraken teaches means for issuing, in response to the selection of the first command interface, a notification to a remote application (users that sent the message with the media file can set certain options such as a read receipt so that for example, when the user selects a command interface to open the sent message, a notification, or read receipt can be sent to the sender of the original message) (Habraken: "Voting and Tracking Options" and "Delivery Options" under Lesson 10 on page 88). However, Oran et al. and Habraken fail to explicitly teach the notifications are used by a remote application to construct an evaluation of an advertising campaign being at least partially conducted by transmitting the media file to the computer system. Henrick et al. teach a user interface for sending and receiving email messages

(Henrick et al.: column 1, lines 33-46) similar to that of Oran et al. and Habraken. In addition, Henrick et al. further teach the notifications are used by a remote application to construct an evaluation of an advertising campaign being at least partially conducted by transmitting the media file to the computer system (when the user selects the hyperlink to the web page being advertised, the user is brought to the advertiser's webpage and a remote application, such as the ISP or network server, generates an evaluation, or report of an advertisement sent to the user based upon user responses to the email message) (Henrick et al.: column 1, lines 59-65 and column 3, lines 13-44). It would have been obvious to one of ordinary skill in the art, having the teachings of Oran et al., Habraken and Henrick et al. before him at the time the invention was made, to modify the user interface for sending and receiving email messages of Oran et al. and Habraken to include the evaluation of the message sent, as taught by Henrick et al. One would have been motivated to make such a combination in order to develop a method for operating a computer network that enables merchandise and service providers to market their products to network users without invading the privacy of the users and to provide a more efficient and effective method of targeted marketing of individual users on the Internet.

8. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach similar methods for interacting with a command interface.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ting Zhou whose telephone number is (703) 305-0328. The examiner can normally be reached on Monday - Friday 8:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (703) 308-3116. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

22 June 2004


BA HUYNH
PRIMARY EXAMINER